

## ZONING AND BUILDING AGENDA

JULY 9, 2002

### ZONING BOARD OF APPEALS RECOMMENDATIONS:

248898      DOCKET #7241 - ST SERVICES, Owner, 3210 West 131st Street, Blue Island, Illinois 60406, Application (No. SU-22-02; Z02007). Submitted by Environmental Compliance Services, Rick Monroe, 207 Fair Street, Valparaiso, Indiana 46383. Seeking a SPECIAL USE Conversion Docket #SU-22-02 for an Existing Non-Conforming Petroleum Bulk Storage Terminal (Tank Farm) Located in the I-3 Intensive Industrial District for storage of petroleum and flammable liquids (existing) in Section 35 of Worth Township. Property consists of approximately 61.9 acres located on the north side of 131st Street between Homan Avenue and Kedzie Avenue in Section 35 Worth Township. Intended use: The terminal utilized for the storage and distribution of petroleum and petroleum related products ST Services is proposing to improving the existing diking system at the Main Farm. **RECOMMENDATION: By a unanimous vote 5-0, the Zoning Board of Appeals of Cook County hereby recommends to the Board of Commissioners of Cook County that the instant Application of ST Services to convert its Blue Island Petroleum Storage Terminal from a Legal Non-Conforming Use in the I-3 Intensive Industrial District to a Special Use in the said I-3 District be granted. If granted, all pertinent records, Maps and Comprehensive Plan Shall be changed.**

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252983      DOCKET #7277 - GARY P. KATSENEs, Owner, Application: Variation to reduce corner side yard setback from the required 25 feet to 7 feet for a detached garage in the R-4 Single Family Residence District. The subject property consists of approximately 0.44 of an acre, located on the northeast corner of 85th Court and 129th Place in Palos Township. **RECOMMENDATION: That variation application be granted.**

252984      DOCKET #7278 - OWEN COOPER, Owner, Application: Variation to reduce left interior side yard setback from the required 15 feet to 9 feet (existing) for a room addition in the R-4 Single Family Residence District. The subject property consists of approximately 0.49 of an acre, located on the west side of Franklin Avenue, approximately 255 feet north of Plainfield Road in Lyons Township. **RECOMMENDATION: That variation application be granted.**

252985      DOCKET #7281 - DIMITRIOS LEKKOS, Owner, Application: Variation to reduce front yard setback from the required 25 feet to 21 feet for an addition to the principal residence and reduce left interior side yard setback from the required 10 feet to 4 feet for an existing accessory shed in the R-5 Single Family Residence District. The subject property consists of approximately 0.23 of an acre, located on the west side of Central Avenue, approximately 320 feet south of Pleasant Street in Northfield Township. **RECOMMENDATION: That variation application be granted.**

252956      DOCKET #7273 - LARRY RIPPE, Owner, Application: Variation to reduce left interior side yard setback from the required 15 feet to 8 feet (existing) for a shed addition in the R-4 Single Family Residence District. The subject property consists of approximately 0.69 of an acre, located on the east side of Monitor Avenue, approximately 600 feet north of 131st Street in Worth Township. **RECOMMENDATION: That variation application be granted.**

252958      DOCKET #7276 - J. & B. PADOWSKI, Owner, Application: Variation to reduce left interior side yard setback from the required 10 feet to 2 feet 5 inches (existing) for a second story addition in the R-5 Single Family Residence District. The subject property consists of approximately 0.36 of an acre, located on the east side of Greenwood Drive, approximately 468 feet north of Emerson Street in Maine Township. **RECOMMENDATION: That variation application be granted.**

- 252960      DOCKET #7280 - K. & D. WRIGHT, Owner, Application: Variation to reduce right interior side yard setback from the required 15 feet to 13 feet 9 inches (existing); to reduce lot area from the required 40,000 square feet (requirement for well and septic to 24,825 square feet (existing); and reduce lot width from the required 150 feet to 120 feet 10 inches (existing) for an addition to existing single family residence with well and septic setback from the required 10 feet to 4 feet in the R-4 Single Family Residence District (20,000 square feet required). The subject property consists of approximately 0.57 of an acre, located on the east side of Howe Terrace, approximately 97 feet south of Arlington Lane in Palatine Township. **RECOMMENDATION: That variation application be granted.**
- 252965      DOCKET #7282 - BASIA HOLY, Owner, Application: Variation to reduce front yard setback from the required 37 feet to 36 feet and reduce rear yard setback from the required 50 feet to 25 feet for an addition to single family residence with public sewer and private well in the R-4 Single Family Residence District. The subject property consists of approximately 0.47 of an acre, located on the northeast corner of Woodland Court and Briarwood Lane in Palatine Township. **RECOMMENDATION: That variation application be granted.**
- 252981      DOCKET #7274 - CHRISTIAN METZ, Owner, Application: Variation to reduce left interior side yard setback from the required 15 feet to 13 feet (existing) for a room addition in the R-4 Single Family Residence District. The subject property consists of approximately 0.50 of an acre, located on the west side of Locust Lane, approximately 332 feet south of 62nd Street in Lyons Township. **RECOMMENDATION: That variation application be granted.**
- 252982      DOCKET #7275 - B. SZEWERNIAK, Owner, Application: Variation to reduce left interior side yard setback from the required 10 feet to 3 feet (existing principal) and reduce right interior side yard setback from the required 10 feet to 4 feet (existing accessory) for a 2nd story addition in the R-5 Single Family Residence District. The subject property consists of approximately 0.36 of an acre, located on the north side of Morrison Avenue, approximately 400 feet north of Lee Street in Wheeling Township. **RECOMMENDATION: That variation application be granted.**

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#### **Housekeeping Amendments to the 2001 Zoning Ordinance**

The Cook County State's Attorney's Office has recommended language changes to the following articles of the Zoning Ordinance to make them consistent to amendments that were previously made and approved. Similar changes have also been recommended to the Wireless Telecommunications Ordinance.

#### **Amendment to Article 4.5, R-5 Single-Family Residence District**

**Sponsored by Commissioner Peter N. Silvestri and President John H. Stroger, Jr.**

#### **4.5.9 Special Provisions**

##### **F. Lots of Record.**

A single-family residence, on a lot of record on the effective date of this comprehensive ordinance, may be established regardless of the area of the lot or the lot width, provided there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of the Cook County Plumbing Code and all amendments relative thereto, the Cook County Health Department, the Metropolitan Water Reclamation district, and the Health Department of the State of Illinois. Approved sewer and water connection permits and/or an approved private sewage system permit and an approved individual well permit must be submitted in conjunction with a building permit application.

**Amendment to Article 13 - Administration and Enforcement**

**Sponsored by Commissioner Peter N. Silvestri and President John H. Stroger, Jr.**

**13.2.2 DUTIES OF THE ZONING ADMINISTRATOR**

- A. Administration of this Ordinance shall be exercised through a person in the Department of Building and Zoning designated as the Zoning Administrator. The Zoning Administrator shall be appointed by the President of the Cook County Board of Commissioners.
- B. Duties of the Zoning Administrator shall be as follows.
  - 1. Issue, upon request, a letter verifying the zoning classification of property to a person who is entitled to initiate a zoning amendment including interpretations giving the meaning and intent of provisions of this ~~e~~Ordinance.
  - 5. Receive, file and forward to the Zoning Board of Appeals applications for variations, appeals and other matters which the Zoning Board of Appeals is required to ~~pass under~~ act upon as provided in this Ordinance. The Zoning Administrator shall reject applications for variations which are not authorized by this Ordinance.
  - 10. Duties as the Cook County Board of Commissioners shall by ~~O~~rdinance, resolution or direction provide.

**13.2.3 ~~REVIEW OF ALL PERMIT APPLICATIONS AND~~  
CERTIFICATES OF OCCUPANCY**

**13.3.2 JURISDICTION**

The Zoning Board of Appeals is vested with the following jurisdiction and authority.

- B. Hear and make recommendations to the Cook County Board of Commissioners on all applications for authorized variations ~~from any quantitative requirement of~~ as provided in this Ordinance.

**13.3.5 APPEALS FROM DECISIONS OF THE ZONING ADMINISTRATOR**

The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement or determination of the Department of Building and Zoning under this Ordinance. An appeal may be taken to the Zoning Board of Appeals by any person or entity or by any officer, department, board or bureau aggrieved by a decision of the ~~Zoning Administrator~~ Department of Building and Zoning under this Ordinance. An appeal shall be taken within thirty-five (35) days after the date of the ~~Zoning Administrator's~~ Department of Building and Zoning's decision by filing with the Zoning Administrator and the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. Notice of appeal shall be given to all persons or entities entitled to receive notice as provided by Section 13.7.3. The Zoning Board of Appeals shall select a reasonable time and place for hearing an appeal and give notice to the aggrieved person or entity and the ~~Zoning Administrator~~ Department of Building and Zoning. The hearing shall take place within thirty (30) days after the Zoning Board of Appeals receives notice of appeal. The Zoning Board of Appeals shall render a written decision on the appeal within thirty (30) days after the hearing. The Zoning Board of Appeals shall forward its decision to all parties of record. The Zoning Board of Appeals may affirm, reverse, wholly or in part, or modify a decision of the Department of Building and Zoning. A written decision of the Zoning Board of Appeals shall contain findings of fact which support its decision. If the Zoning Board of Appeals affirms the



decision of the ~~Zoning Administrator~~ Department of Building and Zoning, the decision of the Zoning Board of Appeals is a final administrative determination and shall be subject to review as provided by law.

If the Zoning Board of Appeals reverses the decision of the ~~Zoning Administrator~~ Department of Building and Zoning, the ~~Zoning Administrator~~ Department of Building and Zoning has the right to appeal the Zoning Board of Appeals' decision to the Cook County Board of Commissioners. The matter shall be heard upon the record of the Zoning and Building Committee, or a subcommittee, ("Committee") of the Cook County Board of Commissioners. No additional testimony shall be taken and no additional documents shall be filed. The Committee shall provide notice of its hearing of an appeal as provided in this section. The Committee may affirm, reverse, wholly or in part, or modify the decision of the Zoning Board of Appeals. If the Committee reverses the Zoning Board of Appeals, the decision of the Committee shall be a final administrative determination and shall be subject to review as provided by law. The Secretary of the Zoning Board of Appeals shall maintain complete records of all actions relative to appeals.

### **13.3.6 SECRETARY OF THE ZONING BOARD OF APPEALS**

- A. The Secretary of the Zoning Board of Appeals shall be appointed by the President of the Cook County Board of Commissioners.
- B. Duties of the Secretary of the Zoning Board of Appeals shall be as follows.
  - 1. Maintain records of the Zoning Board of Appeals.
  - 2. Forward to the Cook County Board of Commissioners final findings of fact and recommendations of the Zoning Board of Appeals for map amendments and special uses and such other matters under this Ordinance which require consideration or action by the Cook County Board of Commissioners.
  - 3. Administer ~~duties specifically identified in this Ordinance, as well as~~ duties which may be delegated to the Secretary by the Cook County Board of Commissioners and the Zoning Board of Appeals.

### **13.6.1 PURPOSE**

The Zoning Board of Appeals, after a public hearing, ~~may grant or deny a variation of ten (10) percent or less from the quantitative requirements of this Ordinance and~~ shall recommend to the Cook County Board of Commissioners to grant or deny authorized variations ~~in excess of ten (10) percent from any quantitative requirement of under~~ this Ordinance. In making a ~~decision or~~ a recommendation, the Zoning Board of Appeals shall make findings of fact in accordance with standards prescribed in this Ordinance for variations, and shall also find that there are practical difficulties or particular hardships which prevent the applicant from strictly following regulations of this Ordinance.

### **13.6.2 APPLICATION AND NOTICE OF HEARING**

An application for a variation shall be filed in triplicate with the Department of Building and Zoning. The Zoning Administrator shall reject applications for variations which do not comply with the provisions of this Ordinance. The Department of Building and Zoning shall forward one copy of the application to the Cook County Board Commissioner in whose district the property is located. The application shall contain such information as required by the rules of the ~~Zoning Board of Appeals~~ Department of Building and Zoning. Notice of the time and place of a public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days, before the hearing in a newspaper of general circulation in Cook County. The published notice may be supplemented by additional notice as required by the rules of the Zoning Board of Appeals. In addition, notice of public hearings shall be as follows.

### **13.6.3 STANDARDS**

The Zoning Board of Appeals shall not ~~grant or deny a variance, or~~ recommend to the Board of Commissioners that it grant or deny a variance, unless it the Zoning Board of Appeals first makes written findings of fact on each of the following standards based upon evidence presented.

- A. Physical surroundings, shape or topographical condition of the property would result in hardship upon the owner, as distinguished from a mere inconvenience, if the provisions of this Ordinance were

- followed.
- B. Conditions which are unique to the property exist and are not applicable to other properties within the same zoning classification.
  - C. Variation sought is not based exclusively upon a desire to make the property more profitable.
  - D. Hardship or alleged difficulty is caused by ~~the~~ this Ordinance and not by any person presently having an interest in the property.

#### 13.6.4 CONDITIONS AND RESTRICTIONS

The Zoning Board of Appeals may ~~impose or, in cases of variations in excess of ten (10) percent,~~ recommend to the Board of Commissioners, such conditions and restrictions upon the premises benefited by a variation as may be necessary to reduce or minimize the effect of the variation upon other properties in the neighborhood and to better carry out the general intent of this Ordinance. Failure of the applicant to comply with conditions and restrictions imposed shall constitute a violation of this Ordinance.

#### 13.6.5 AUTHORIZED VARIATIONS

A variation from the regulations of this Ordinance may be granted by the ~~Zoning Board of Appeals~~ Cook County Board of Commissioners only in the following instances and in accordance with standards set forth in this Ordinance.

- A. Permit a yard or setback less than the yard or setback required by this Ordinance, ~~but in no event shall the variation be greater than ten (10) percent from any quantitative requirement of this Ordinance.~~
- B. Permit the use of a lot or lots for a use which is otherwise prohibited solely because of the insufficient area or width of the lot or lots, ~~but in no event shall the area of the lot authorized by the variation be less than ninety (90) percent of the required area.~~ The ~~Zoning Board of Appeals~~ Cook County Board of Commissioners shall not grant a variation which results in the division of a conforming lot or lots into two or more nonconforming lots. The ~~Zoning Board of Appeals~~ Cook County Board of Commissioners shall not allow a lot less than ~~twenty~~ forty thousand (240,000) square feet to be used for an individual septic system and water supply system, unless the Cook County Department of Public Health has approved the systems.
- C. Permit the same off-street parking facility to qualify as a facility for two (2) or more uses, provided the substantial use of the facility by each user does not take place at the same hours of the same days of the week, ~~and that the Cook County Highway Department has approved the proposed request.~~
- D. Reduce required off-street parking or off-street loading facilities by ~~not more than one (1) parking or loading space or ten (10) percent of the applicable requirements, whichever number is greater, provided that the Cook County Highway Department has approved the proposed request.~~
- E. Increase by ~~not more than ten (10) percent~~ the maximum distance that required parking spaces are permitted to be located from the use served, ~~provided that the Cook County Highway Department has approved the proposed request.~~
- F. Increase dimensions or square footage of signs as provided in Article 12 and Ordinance No. 02-O-05.
- G. Increase the maximum gross floor area of any use ~~by an amount not to exceed ten (10) percent of the floor area ratio required by this Ordinance.~~
- H. Grant variations for property located in a floodplain in accordance with the Floodplain Ordinance for Cook County, Illinois.
- I. Reduce lot size when property has been diminished in size by eminent domain or by a conveyance in lieu of an eminent domain proceeding.
- J. Grant height variations for freestanding cellular tower facilities by

~~an amount not to exceed ten (10) percent of the permitted height as provided in Ordinance No. 01-O-32. No height variation for a cellular radio facility which is attached to or installed on a building shall be allowed.~~

### **13.6.6 GRANTING RECOMMENDING VARIATIONS**

A majority vote of ~~four (4)~~ three (3) of the ~~five (5)~~ voting members of the Zoning Board of Appeals is required to:

~~A. Grant a variation of ten (10) percent or less.~~

~~B. Recommend to the Cook County Board of Commissioners to grant or deny a variation in excess of ten (10) percent.~~

~~No decision of the Zoning Board of Appeals~~ Cook County Board of Commissioners granting a variation ~~or recommending to the Board of Commissioners that a variation be granted or denied~~ shall be valid for more than one (1) year, ~~within which time unless~~ a building permit ~~must be~~ is obtained and construction of the building or the use commenced.

### **13.6.7 EFFECT OF DENIAL**

~~An application for a variation of ten (10) percent or less which has been denied wholly or in part by the Zoning Board of Appeals, or an application for a variation of more than ten (10) percent which has been denied wholly or in part by the Cook County Board of Commissioners; shall not be resubmitted for a period of one (1) year from the date of the denial, except on grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.~~

### **Amendment to Wireless Telecommunications Ordinance, 01-O-32**

**Sponsored by Commissioner Peter N. Silvestri and President John H. Stroger, Jr.**

## **1.4 CONDITIONS AND RESTRICTIONS**

~~The Zoning Board of Appeals may impose or, in cases of variations in excess of ten (10) percent,~~ recommend to the Board of Commissioners such conditions and restrictions upon the premises benefited by a variation as may be necessary to reduce or minimize the effect of the variation upon other properties in the neighborhood and to better carry out the general intent of this Ordinance.

## **1.5 ACTION BY THE COOK COUNTY BOARD OF COMMISSIONERS**

- A. Final action shall not be taken by the Cook County Board of Commissioners on an application for a variation ~~in excess of ten (10) percent~~ until the Zoning Board of Appeals' findings of fact and recommendations have been received.
- B. Variations in excess of ten (10) percent shall be passed by a favorable vote of three-quarters (3/4) of all members of the Cook County Board of Commissioners in cases where the Zoning Board of Appeals has not recommended the variation.
- C. Applications for variations ~~in excess of ten (10) percent~~ shall be deemed denied if the Cook County Board of Commissioners has not taken final action within sixty (60) days of receiving the Zoning Board of Appeals' findings and recommendations. The sixty (60) day period may be extended if a request for an extension is made by the applicant or by a Cook County Board Commissioner.
- D. The Cook County Board of Commissioners may impose conditions and restrictions upon a variation ~~in excess of ten (10) percent~~ in order to assure that the public health, safety and welfare is adequately protected.

\*The next regularly scheduled meeting is presently set for Thursday, August 1, 2002.